

AMENDED IN SENATE APRIL 27, 2010

AMENDED IN SENATE APRIL 13, 2010

AMENDED IN SENATE MARCH 25, 2010

**SENATE BILL**

**No. 1414**

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**Introduced by Senator Kehoe**

February 19, 2010

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An act to amend ~~Section~~ *Sections 321.6 and 1733* of the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1414, as amended, Kehoe. Public Utilities Commission: procedures: rehearings.

~~Under~~

(1) *Under* existing law, the Public Utilities Commission (CPUC) has regulatory authority over public utilities and can establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. Existing law authorizes any party to an action or proceeding, or any stockholder or bondholder or other party pecuniarily interested in the public utility affected by an order or decision of the CPUC, to apply for a rehearing with respect to any matter determined in the action or proceeding and specified in the application for rehearing. Existing law prohibits a cause of action arising out of any order or decision of the CPUC from accruing in a court to a corporation or person unless the corporation or person has filed an application to the CPUC for a rehearing within a specified amount of time after the date of issuance of the order or decision.

Existing law provides that any application for a rehearing made 10 days or more before the effective date of a CPUC order as to which a

rehearing is sought, shall be either granted or denied before the effective date of the order, or the order is suspended until the application is granted or denied. Existing law provides that, absent a further order of the CPUC, the suspension ceases after 60 days, the order becomes effective, and the party making the application is authorized to take the application as having been denied.

This bill, for an application for rehearing made 10 days or more before the effective date of the CPUC order as to which a rehearing is sought, would delete the provision that the suspension ceases after 60 days if the application is not granted or denied before its effective date, thereby indefinitely suspending the effective date of the order until the CPUC either grants or denies the application.

**Existing**

(2) *Existing* law provides that if the application for rehearing is made less than 10 days before the effective date of the order as to which a rehearing is sought, and the application is not granted within 60 days, the party making the application is authorized to take the application as having been denied, unless the effective date of the order is extended for the period of the pendency of the application.

This bill would require that an application for rehearing made less than 10 days before the effective date of the CPUC order as to which a rehearing is sought, be acted upon within 120 days. The bill would provide that if the application is not acted upon within 120 days, the application is deemed to be denied by operation of law.

(3) *Existing law requires the CPUC to submit an annual report on the number of cases where resolution exceeded the time periods prescribed in scoping memos and the days that commissioners presided in hearings.*

*This bill would additionally require the CPUC to include data on the disposition of applications for rehearings in that report.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 321.6 of the Public Utilities Code is
- 2     amended to read:
- 3     321.6. The commission shall do all of the following:
- 4     (a) Develop, publish, and annually update an annual work plan
- 5     that describes in clear detail the scheduled ratemaking proceedings

1 and other decisions that may be considered by the commission  
 2 during the calendar year. The plan shall include, but is not limited  
 3 to, information on how members of the public and ratepayers can  
 4 gain access to the commission's ratemaking process and  
 5 information regarding the specific matters to be decided. The plan  
 6 shall also include information on the operation of the office of the  
 7 public advisor and identify the names and telephone numbers of  
 8 those contact persons responsible for specific cases and matters  
 9 to be decided. The plan shall also include a statement that specifies  
 10 activities that the commission proposes to reduce the costs of, and  
 11 rates for, energy, including electricity, and for improving the  
 12 competitive opportunities for state agriculture and other rural  
 13 energy consumers. The commission shall post the plan under the  
 14 Official Documents area of its Internet Web site and shall develop  
 15 a program to disseminate the information in the plan utilizing  
 16 computer mailing lists to provide regular updates on the  
 17 information to those members of the public and organizations  
 18 which request that information.

19 (b) Produce a complete accounting of its transactions and  
 20 proceedings for the preceding year, together with other facts,  
 21 suggestions, and recommendations that it deems of value to the  
 22 people of the state and a statement that specifies the activities and  
 23 achievements of the commission in reducing the costs of, and rates  
 24 for, energy, including electricity, for state agriculture and other  
 25 rural energy consumers.

26 (c) Create a report on the number of cases where resolution  
 27 exceeded the time periods prescribed in scoping memos, *data on*  
 28 *the disposition of applications for rehearing*, and the days that  
 29 commissioners presided in hearings.

30 (d) Submit annually the plan, accounting, and report required  
 31 by subdivisions (a), (b), and (c) to the Governor and Legislature  
 32 no later than February 1 of each year.

33 ~~SECTION 1.~~

34 *SEC. 2.* Section 1733 of the Public Utilities Code is amended  
 35 to read:

36 1733. (a) Any application for a rehearing made 10 days or  
 37 more before the effective date of the order as to which a rehearing  
 38 is sought, shall be either granted or denied before the effective  
 39 date, or the order shall be suspended until the application is granted  
 40 or denied.

1 (b) Any application for a rehearing made within less than 10  
2 days before the effective date of the order as to which a rehearing  
3 is sought shall be acted upon within 120 days. If the application  
4 is not acted upon within 120 days, the application shall be deemed  
5 denied by operation of law.

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